

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DEVIN REGAL, et al.,
Plaintiffs,

v.

COUNTY OF SANTA CLARA, et al.,
Defendants.

Case No. 22-cv-04321-BLF

**ORDER RE PLAINTIFFS' MOTION
TO CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

[Re: ECF 114]

Plaintiffs have filed an administrative motion to consider whether materials designated confidential by Defendant County of Santa Clara ("County") should be filed under seal. *See* Pls.' Mot., ECF 114. The materials in question have been submitted as exhibits to Plaintiffs' opposition to Defendants' motion for summary judgment and referenced in Plaintiffs' opposition brief, which have been filed provisionally under seal on the public docket.

As the designating party, the County has the obligation to file a statement demonstrating that the materials satisfy the applicable standard for sealing. *See* Civ. L.R. 79-5(f)(3). Because the materials are submitted in connection with a motion for summary judgment, the County must demonstrate the existence of "compelling reasons" for sealing. *See Applied Materials, Inc. v. Demaray LLC*, No. 5:20-CV-09341-EJD, 2023 WL 4409106, at *1 (N.D. Cal. July 7, 2023) ("A party seeking to seal judicial records related to a dispositive motion, such as a motion for summary judgment, must demonstrate that 'compelling reasons' support its request.").

The County has filed a statement indicating that it requests sealing only as to a video compilation of jail surveillance footage submitted manually as Exhibit 1 to the Declaration of Jonathan Marvin in Opposition to Defendants' Motion for Summary Judgment. *See* County's Response, ECF 122. The County does not request sealing of any other exhibits submitted by Plaintiffs in opposition to summary judgment, nor does the County request redactions to Plaintiffs' opposition brief. *See id.*

The Court finds that the County has shown compelling reasons for sealing the compilation of jail surveillance footage, which is not otherwise publicly available and displays the layout of a unit at the Elmwood Correctional Complex, including potential entry and exit points. *See* Martinez Decl. ¶ 5, ECF 122-1. The footage also shows inmates who are not involved in this lawsuit. *See id.* The security concerns posed by the footage, as well as the privacy interests of the inmates shown in the footage, are sufficient to meet the compelling reasons standard. *See Ortiz v. City & Cnty. of San Francisco*, No. 18-CV-07727-HSG, 2020 WL 2793615, at *8 (N.D. Cal. May 29, 2020) (finding that sealing of jail surveillance video was warranted under the compelling reasons standard based on "security concerns, in addition to privacy concerns of third parties").

ORDER

- (1) Plaintiffs' motion to consider whether another party's material should be sealed is GRANTED IN PART as to the video compilation of jail surveillance footage submitted manually as Exhibit 1 to the Declaration of Jonathan Marvin in Opposition to Defendants' Motion for Summary Judgment.
- (2) Plaintiffs' motion otherwise is DENIED. As soon as is practicable, Plaintiffs SHALL file their opposition to Defendants' motion for summary judgment, and all supporting exhibits other than the video compilation of jail surveillance footage, on the public docket in unredacted form.
- (3) This order terminates ECF 114.

Dated: January 23, 2025


BETH LABSON FREEMAN
United States District Judge